IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY SEVENTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION No. 24273 of 2004

Between:

T.Prameela W/o.R.Ashok Rao,

Aged about 32 years, Occ:Ex-Conductor,
R/o.H.No.853 D BHEL Ramchandrapuram,

Medak District.

..... PETITIONER

AND

The Depot Manager, A.S.R.T.C.
H.C.U Depot, Rangareddy District.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ order, or direction more particularly in the nature of certiorari, calling for the records vide the proceedings No.02/95(66)/2004 H.C.U Dt.6.12.2004 passed by the Respondent and quash the same as illegal, arbitrary and violation of the principles of natural justice and consequently direct the respondent to reinstate the petitioner into service immediately along with all consequential benefits, and pass such any other order or orders.

Counsel for the Petitioner: MR.A.THIRUPATHI REDDY

Counsel for the Respondent: MR.V.T.M.PRASAD, Standing Counsel

The Court at the stage of admission made the following:

–

–

ORDER:

The grievance of the writ petitioner is that her name was deleted from selection list without conducting any enquiry. Challenging the proceedings No.02/95(66)/2004-HCU, dated 06.12.2004, the present writ petition is filed.

The learned counsel for the petitioner contended that the name of the petitioner has been deleted from the selection list without conducting any enquiry and therefore, principles of natural justice have been violated.

On the other hand, the learned standing counsel appearing for the respondent contended that several instructions have been given to the writ petitioner to improve her performance, but she did not improve her performance. Therefore, the order under challenge does not suffer from any legal infirmities and does not call for any interference.

It is not disputed before this Court that the selection of the petitioner was made under regular selection process. The checking officials found certain irregularities on the part of the petitioner at the time of check on 23.10.2004, and after calling explanation from the petitioner, the name of the petitioner was deleted from the selection list without conducting any enquiry. No reasonable opportunity is afforded to the writ petitioner in proving her case, and without conducting any departmental enquiry, the impugned proceedings have been passed. Hence the impugned proceedings suffer from legal infirmities and there is violation of principles of natural justice.

Therefore, the Writ Petition is allowed and the impugned proceedings are set aside. This order will not preclude the

respondent in conducting departmental enquiry against the petitioner in respect of the alleged irregularities in accordance with rules and regulations of the Corporation. No order as to costs.

_____

27.12.2004

dsr

To:

1. The Depot Manager, APSRTC,

H.C.U.Depot, Rangareddy District

2. Two CD copies.